

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

SJUNDE AP-FONDEN, Individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

JOSEPH J. DEPAOLO, et al.

Defendants.

Civil Case No. 1:23-cv-01921-FB-JRC

Honorable Frederic Block

CLASS ACTION

JOINT STIPULATION AND [PROPOSED] ORDER
REGARDING PLAINTIFFS FILING OF A CORRECTED
CONSOLIDATED COMPLAINT FOR VIOLATIONS OF THE
FEDERAL SECURITIES LAWS

WHEREAS, on August 10, 2023, the Court appointed Sjunde AP-Fonden (“AP7”) as Lead Plaintiff and Kessler Topaz Meltzer & Check, LLP and Bernstein Litowitz Berger & Grossman LLP as Lead Counsel for the Class (ECF No. 51);

WHEREAS, at an October 5, 2023 hearing, the Court ordered Lead Plaintiff to file a consolidated complaint 45 days from the date of the hearing (ECF No. 63);

WHEREAS, on November 20, 2023, Plaintiffs filed a Consolidated Complaint for Violations of the Federal Securities Laws (the “Complaint”) (ECF No. 66) that named Joseph DePaolo, Eric Howell, Frank Santora, Joseph Seibert, Scott Shay, Vito Susca, Stephen Wyremski, and KPMG International Limited as Defendants (Complaint, ¶¶ 31–39);

WHEREAS, Lead Plaintiff now intends to correct the KPMG entity named as a Defendant in the Complaint, replacing KPMG International Limited with KPMG LLP;

WHEREAS, this proposed revision will change only the name of the KPMG entity listed in the case caption and elsewhere throughout the Complaint;

WHEREAS, the proposed revision will not affect or alter the existing case management or briefing schedule set by the Court on November 27, 2023;

WHEREAS, Lead Plaintiff has conferred with opposing counsel for Defendants who have entered appearances in this case to date and each consented to the proposed revision;

WHEREAS, as a courtesy, on November 29, 2023, Lead Plaintiff also informed the FDIC of the proposed revision;

WHEREAS, Exhibit A to the parties’ stipulation and proposed order is a blackline of the Complaint that reflects the proposed revisions.

IT IS HEREBY STIPULATED AND AGREED, by the Parties, through their undersigned counsel, subject to Court approval, as follows:

1. Lead Plaintiff will promptly file a corrected consolidated complaint with the proposed revisions identified herein.

2. Defendants agree that their impending Motions to Dismiss shall apply to the corrected consolidated complaint, rather than the Complaint filed on November 20, 2023 (ECF No. 66).

3. The caption in this action shall be revised to identify KPMG LLP and remove KPMG International Limited.

DATED: December 1, 2023

Respectfully submitted,

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Co-Counsel for Lead Plaintiff Sjunde AP-Fonden

SO ORDERED.

DATED: December 1, 2023.

/S/ Frederic Block

HON. FREDERIC BLOCK

UNITED STATES DISTRICT JUDGE